

AN ORDINANCE REGULATING THE POSSESSION OR HARBORING OF INHERENTLY DANGEROUS EXOTIC ANIMALS

SECTION 1. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Exotic animal means any animal which:

- 1) Is not native or a non-indigenous species to this state [other than servids (deer)];
- 2) Does not have an established wild population in this state; or
- 3) Is not regulated by the state wildlife commission.
- 4) All mammals designated by the Centers for Disease Control and Prevention, Department of Agriculture or other National or State public health protection agencies as embargoed or prohibited under legal protection orders.

Harborer of inherently dangerous exotic mammal or inherently dangerous reptile means any person, regardless of ownership, who allows an inherently dangerous exotic mammal or inherently dangerous reptile to remain, lodge, or be fed or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

Inherently dangerous exotic mammal means any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

- 1) *Canidae* means any member of the dog (Canid) family not customarily domesticated by man or any hybrids of such Canidae, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
- 2) *Felidae* means any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids of such Felidae, but not including domestic cats (*Felis catus*).
- 3) *Ursidae* means any member of the bear family, or hybrids of such Ursidae.
- 4) *Primates* – any member of the order primates.
- 5) *Elephants*.

Inherently dangerous reptile means any member of the Reptilia class which:

- 1) Is venomous. A venomous reptile shall include all members of the families Helodermidae (gila monsters and Mexican beaded lizards), Viperidae vipers, Crotalidae (pit vipers), Hydrophilidae (sea snakes), and Elapidae (cobras, coral snakes, and their allies), as well as

any rear fanged snakes of the family Colubridae that are known to be dangerous to humans, including but not limited to *Dispholidus typus* (boomslang), *Thebtonia kirtlandii* (twig snake), *Rhabdophis* (keelbacks).

- 2) Is a member of the order Crocodilia (crocodiles, alligators, and caiman).

Wild and Dangerous Animals means any animals of the cat, bear and wolf species and non-human primates which are normally born and live in a wild habitat, even though such species may be raised and kept in captivity.

SECTION 2. UNLAWFUL POSSESSION.

At no time may any person possess, sell or harbor an inherently dangerous exotic mammal or inherently dangerous reptile within Montgomery County. Any exotic animal that is in the possession of, or harbored, at the time that this ordinance is adopted will be “grandfathered”, and excluded from the regulations/requirements of this ordinance; however, to be properly “grandfathered”, any person who possesses or harbors an inherently dangerous exotic mammal or reptile shall immediately register these animals with the county upon adoption of this ordinance (registration shall be within 12 days of the day the ordinance is adopted). All animals “grandfathered” by this ordinance shall be permanently identified with an imbedded microchip; owners of “grandfathered” animals shall have six months to imbed a microchip in the animal. “Grandfathering” only covers the existing registered animals until their death.

SECTION 3. EXCEPTIONS.

This article does not apply to the following:

- 1) Veterinary clinics in possession of such animals or reptiles for treatment or rehabilitation purposes.
- 2) Nonresident circuses for no longer than one seven-day period, per each separate location where such circus is held within the county per calendar year.
- 3) Nonresident carnivals or traveling fairs for no longer than one seven-day period, per each separate location where such carnival or traveling fair is held within the county, per calendar year.
- 4) Persons temporarily transporting such mammals or reptile through the county, provided that such transport time shall not be more than 24 hours.
- 5) No reference or regulations in this ordinance applies to exotic mammals under the control of the North Carolina Zoological Park.

SECTION 4. IMPOUNDMENT; DISPOSITION OF IMPOUNDED ANIMALS.

- a) An inherently dangerous exotic mammal or inherently dangerous reptile which is kept by any person in contravention of section 2 pertaining to possession of inherently dangerous exotic animals may be taken up and impounded by the animal control officer or Sheriff's representative for the protection of the animals and/or the public. Whenever possible, the

animal control officer or Sheriff's representative shall take up and impound the animal in the presence of its owner or harbored; however, if it is such is not practicable, the animal control officer or Sheriff's representative may impound such animal consistent with this section.

- b) If an animal is impounded pursuant to this section, the owner or harbored of the animal shall be notified by the animal control officer in person or by certified mail.
- c) Any animal impounded pursuant to this section will be held ten days for the owner to claim pursuant to subsection (d) of this section; however, if the animal cannot be taken up safely by the animal control office or Sheriff's representative or if proper and safe housing cannot be found for the animal, the animal control officer or Sheriff's representative can immediately destroy the animal.
- d) The owner or harbored of the animal can reclaim the animal if the person can satisfy the chief animal control officer or Sheriff of Montgomery County that a safe transfer of the animal to an appropriate location outside of the county has been arranged.
- e) If no owner or harbored can be located or will claim the animal within ten days after impoundment, the County Manager may place the animal with an accredited zoological park or accredited sanctuary (accredited by the American Zoo and Aquarium Association).
- f) All cost of impoundment, care, damages to property, and/or euthanasia of the animal will be charged to its owner or harbored regardless of whether the animal is claimed by or returned to the owner or harbored. If the animal is reclaimed, such costs shall be paid in full prior to the owner or harbored reclaiming the animal pursuant to subsection (d) of this section.
- g) An animal escape/recapture plan must be filed with the county, which shall include a recovery plan (these plans must be filed with the county within six months of the day this ordinance is adopted). The owner of the animal shall be liable for all costs associated with the recapture of the animal.

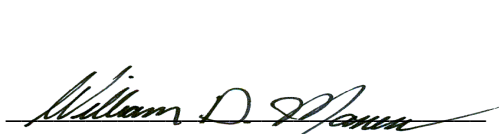
SECTION 5. BREEDING/REPRODUCTION.

Breeding or allowing the reproduction of wild and dangerous animals as defined in this ordinance is prohibited.

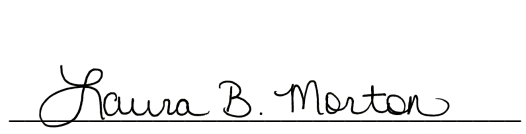
SECTION 5. VIOLATIONS AND PENALTY.

Any person who is found guilty of a violation of this Article shall be deemed guilty of a Class 3 misdemeanor and punished as provided in N.C.G.S. 14-4. Every day that the animal remains housed or harbored shall constitute a new offense.

ADOPTED THIS 18th DAY OF NOVEMBER, 2003.







William D. Maness, Chairman

Laura B. Morton, Clerk to the Board